

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

JS-6

Case No.	CV17-1221 PSG PJWx	Date	July 7, 2017
Title	Los Angeles Waterkeeper v. Prime Metals U.S.A., Inc.		

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy Hernandez	Not Reported
Deputy Clerk	Court Reporter

Attorneys Present for Plaintiff(s):	Attorneys Present for Defendant(s):
Not Present	Not Present

Proceedings (In Chambers): Order Dismissing Case for Lack of Prosecution

Plaintiff Los Angeles Waterkeeper (“Plaintiff”) filed a lawsuit against Defendant Prime Metals U.S.A., Inc. (“Defendant”) on February 15, 2017. *See* Dkt. # 1. Plaintiff subsequently submitted proof of service upon Defendant on February 28, 2017. *See* Dkt. # 5. On March 22, 2017, the clerk entered default against Defendant pursuant to Fed. R. Civ. P. 55(a). *See* Dkt. # 8. On May 18, 2017, the Court issued an Order to Show Cause (“OSC”) why the Court should not dismiss the case for lack of prosecution. Dkt. # 9. The Court indicated that Plaintiff could satisfy the OSC by either filing a motion for default judgment or by requesting the clerk for entry of default judgment against Defendant, on or before June 1, 2017. *See id.* The Court also warned Plaintiff that failure to respond might result in the dismissal of the entire action. *See id.*

On June 1, 2017, Plaintiff responded to the OSC, explaining to the Court that Defendant has contacted Plaintiff and that the parties were engaged in substantive settlement discussions, such that a motion for default judgment would be unnecessary. *See* Dkt. # 10. Plaintiff further indicated that the parties were in the process of finalizing their settlement agreement and requested an additional two-week extension, up to and including June 15, 2017, in order to comply with the OSC. *Id.* Now three weeks have passed and Plaintiff still has neither filed a motion for default judgment against Defendant nor a stipulation of settlement as indicated in the OSC response. Therefore, because of Plaintiff’s failure to comply with the OSC, the Court DISMISSES the case for lack of prosecution, without prejudice.

IT IS SO ORDERED.

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